

Remarks

The Applicant would like to thank the Office for the careful consideration given the present application in the Detailed Action mailed 09/15/2006. With the foregoing amendments and the ensuing remarks, the Applicant has endeavored to respond most properly to each of the points raised by the Office to ensure that the specification and claims now presented are allowable in all respects. With this in mind, the Applicant respectfully requests that the Office review and allow the current specification and claims.

In brief summary, the present application was filed with 68 claims in total with claims 1, 41, and 57 standing independently. Claims 1, 8, 11, 17, 19, 24, 25, 27, 32, 39, and 41 through 68 have been canceled and claims 69-73 have been added thereby leaving claims 2-7, 9, 10, 12-16, 18, 20-23, 26, 28-31, 33-38, 40, and 69-73 pending for consideration. Claims 10, 15, 18, 20, 23, 26, 40, and 73 stand independently while claim 21 has been amended to depend from claim 20.

Claim Rejections Under 35 U.S.C. §§ 102, 103

Looking more particularly to the claim rejections under 35 U.S.C. §§ 102, 103, Applicant's pending claims were rejected as follows:

- Claims 15 and 16 were found to be anticipated or rendered obvious by U.S. Patent No. 6,343,264 to Fenton et al.
- Claims 2, 9, 10, 13, and 14 were said to be obvious in light of Fenton, in view of U.S. Patent App. Pub. No. 2006/0031486 of Miner; U.S. Patent App. Pub. No. 2003/0051255 of Bulman et al.; and U.S. Patent No. 6,243,740 to Minneman et al.
- Claims 3 and 4 were rejected as being unpatentable over Fenton et al. in view of Miner,

Bulman et al., Minneman et al., and U.S. Patent No. 5,986,670 to Dries.

- Claims 18, 19, and 23-25 were rejected as obvious in light of Fenton et al. and Dries et al.
- Claim 20 was found to be unpatentable over Fenton et al. in view of Miner.
- Claims 21 and 22 were rejected as unpatentable over Fenton et al. in view of U.S. Patent No. 6,446,053 to Elliott.
- Claims 5 and 6 were rejected as obvious based on the six references of Fenton et al., Miner, Bulman et al., Minneman et al., Dries, and U.S. Patent No. 5,977,987 to Duluk.
- Claim 7 was rejected as obvious in light of Fenton et al., Miner, Bulman et al., and Minneman et al. in combination with U.S. Patent No. 5,021,705 to Yamamoto et al.
- Claim 11 was rejected as was rejected as being unpatentable over Fenton et al., Miner, Bulman et al., and Minneman et al. combined with Official Notice.
- Claims 26-28 and 31-38 were determined to be unpatentable over Fenton et al., in combination with U.S. Patent No. 5,687,737 to Branham et al.
- Claims 29 and 30 were rejected as obvious in light of Fenton et al. combined with Branham et al. and U.S. Patent App. Pub. No. 2002/0050518 of Roustaei.
- Claim 40 was rejected as being obvious in light of Fenton et al. in combination with U.S. Patent No. 6,574,616 to Saghir and U.S. Patent No. 4,536,848 to d'Entremont et al.

Claims 2-7, 9, 10, 12-14, 20, and 21

Independent claims 10 and 20, from which claims 2-7, 9-14, and 21 depend, have been amended to define most clearly over the prior art. As amended, claims 10 and 20 require an image procuring device for procuring input images, a memory device retaining specific types of

reference images, a processor, and a display device that are all specially calibrated and coordinated to work together.” Furthermore, amended claims 10 and 20 now specify that “colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images *in an in situ depiction*.” Together, these limitations enable a user to “predict the appearance of an interior or exterior of a building, home, landscape, person, or other object or element with accuracy.”

The Applicant respectfully submits that the prior art does not teach or suggest the invention of amended claims 10 and 20. Neither U.S. Patent No. 6,343,264 to Fenton et al., U.S. Patent App. Pub. No. 2006/0031486 of Miner, U.S. Patent App. Pub. No. 2003/0051255 of Bulman et al., nor U.S. Patent No. 6,243,740 to Minneman et al., nor any obvious combination thereof would suggest to one skilled in the art to provide Applicant’s claimed devices that are “specially calibrated and coordinated to work together”. The phrase “specially calibrated and coordinated to work together” as used in Applicant’s disclosure requires that each of the listed devices be purpose built and of dedicated manufacture to interrelate with the remaining devices. This customized calibration and coordination ensures the perfectly accurate transfer of images between devices, such as from the image procuring device to the memory device, from the memory device to the processor, from the processor to the display device. With this, in situ images procured by the image procuring device can be displayed on the display device in a truly realistic manner.

To the contrary, the prior art patents do not contemplate corresponding specially calibrated and coordinated devices. In Fenton et al., for example, it appears that any available device meeting a given set of objective parameters will be sufficient. For example, in specifying

a processor, Fenton et al. write, “[t]he computer is preferably at least a Power Macintosh 9600 having... .” Fenton: col. 4, lines 8-11. In specifying a digital camera, Fenton et al. merely indicate that it be “a digital camera of at least the quality of the Kodak DC120.” Fenton: col. 4, lines 5-7. In the patent application of Miner, it appears that no attempt whatsoever is made to coordinate or calibrate system components as claimed by Applicant. For example, in describing his personal assistant device, Miner merely writes, “The personal assistant device 100 generally includes an input processor 305 that receives signals from one or more interface devices, such as the contextual input device 111.” Miner: Para. 0068. Furthermore, it appears that Bulman et al. offer little in this respect, nor does Minneman’s “method and system of publicly co-creating a narrative document”. Minneman: Abstract.

One should also note in particular the amended limitation of claims 10 and 20 requiring that “colors *and input images* viewed and procured in situ by the image procuring device will be identically displayed on the display device *including the input images in an in situ depiction*”. (Emphasis supplied.) As such, amended claims 10 and 20 specify that there is an in situ depiction of input images, such as of the exterior of a user’s home, of the interior of a room, or the like, depicted on the display device in a manner identical to their actual appearance. When read in conjunction with Applicant’s further limitations of claims 10 and 20, it is respectfully submitted that the in situ depiction of input images on the display device is not taught or suggested by even the combined prior art.

It is further submitted that dependent claims 2-7, 9, 12-14, and 21 are patentable in that they respectively depend from allowable base claims 10 and 20 and because each adds further patentable limitation thereto. By way of example and not limitation, claim 13 additionally

specifies a means for suggesting reference images based on a user selected parameter with the reference images including building elements, decorative elements, and colors and with the reference image automatically coordinated by the processor with the user-selected parameter. Since Fenton et al. contemplate only the color selection, the inclusion of “building elements, decorative elements, and colors” within the included reference images is neither taught nor suggested by the cited art.

Claims 15 and 16

Independent claim 15, which had been rejected as being anticipated or rendered obvious by U.S. Patent No. 6,343,264 to Fenton et al., has been amended to define most clearly over the prior art and, if necessary, to place the claim in better form for consideration on appeal. More particularly, as amended, claim 15 demands, among other things, that the reference images “include building elements, decorative elements, and colors” and, further, that “the means for suggesting one or more reference images comprises a means for suggesting building elements, decorative elements, and colors that automatically coordinate with the structural style, mood effect, or other design goal input by the user.” Amended claim 15, therefore, requires that the means for suggesting be able to suggest all of “building elements, decorative elements, *and* colors”. (Emphasis supplied.)

Fenton fails to teach or suggest the claimed means for suggesting building elements, decorative elements, *and* colors that automatically coordinate with the design goal input by the user. As the very title of the Fenton patent makes clear, Fenton sought merely to provide a “Color *Selection* Method and System for Floor, Wall, and Window Covering” (emphasis

supplied), and did not contemplate or suggest providing a means for *suggesting* building elements or decorative elements. Fenton asserts that she provides “a distinct advance in the state of the art by providing an improved color selection process for assisting customers when shopping for floor, wall, or window coverings.” Col. 1, lines 64-67. Nowhere in Fenton is suggesting anything beyond coordinated colors taught or suggested. Having disclosed only a “color-coding process”, Fenton cannot fairly be said to teach or render obvious amended claim 15’s ability to suggest “building elements, decorative elements, *and* colors”. (Emphasis supplied.).

Claim 16 is patentable in that it depends from allowable base claim 15. Claim 16 also enjoys patentability even beyond base claim 15 since it requires that the user’s design goal “includes desired furniture styles and decorating styles.” Nowhere in Fenton is it contemplated that the system would provide a suggestion of any element corresponding to desired furniture styles and decorating styles. Accordingly, it is respectfully submitted that claim 16 is still more clearly allowable over the cited art.

Claims 18, 22, and 23

Claim 18 has also been amended to ensure its patentability over the cited references, namely Fenton and U.S. Patent No. 5,986,670 to Dries, and, if necessary, to place it in better condition for appeal. As amended, claim 18 requires that “the means for displaying displayed elements and objects in a unified size scale *automatically adapts* the input images and the reference images to a unified, substantially identical scale”. (Emphasis supplied.)

Neither Fenton, Dries, nor any combination thereof anticipates or renders obvious Applicant's claimed means for *automatically* bringing input images and reference images to a unified, substantially identical scale. As the Office noted, Fenton does not disclose a means for displaying displayed elements in a unified size scale. Furthermore, Dries merely attempts to give a user the *ability* to manipulate product images, including by resizing the same. Dries does not teach or suggest Applicant's claimed automatic adaptation of input images and reference images to a unified, substantially identical scale. Nowhere in Dries is an *automatic* resizing of any images suggested. Consequently, Applicant's requirement for an automatic resizing of input images and reference images to a unified size in claim 18 cannot in fairness be considered anticipated or rendered obvious.

Like claim 18, amended independent claim 23 has been amended to require, among other things, "means for automatically adapting the input images and the reference images to a unified, substantially identical scale" and "means for displaying displayed elements and objects in a unified size scale". As such, claim 23 patentably defines over the cited Fenton and Elliot references. However, claim 23 adds additional patentable limitation by further requiring "an image procuring device for procuring input images wherein the image procuring device comprises a motion camera". The Applicant further submits that claim 22 is patentable in that it depends from allowable base claim 23 and, furthermore, because it additionally specifies "a means for providing a cost estimation as to the cost of a potential alteration, redecoration, addition, or construction of or to a given element or object."

Claims 26 through 38

Claim 26 was also amended by the incorporation of the limits of canceled claim 27 to ensure its allowability and, if necessary, to place it in better condition for appeal. As amended, therefore, claim 26 specifies that the “means for providing simulated light sources comprises a means for controlling a type of light source to be simulated on the display device”. As such, claim 26 makes clear that a user can control a *type* of light source is to be *simulated* on the *display device itself*, which is to be distinguished from controlling actual light sources that are merely in the same room or in the presence of the display device.

As the Office recognized, Fenton does not disclose Applicant’s claimed “means for providing a display of simulated light sources on the display device to bathe the displayed image in a source of light.” Fenton merely discloses “lighting options” that are disposed within a “color room 22” that can include “incandescent fixtures”, “a skylight and/or full spectrum fluorescent lights”. Fenton: col. 7, lines 33-39. Nowhere does Fenton teach or suggest simulating types of light sources “*on [a] display device*” as claim 26 demands. The various lights mentioned in Fenton merely exist *in fixed positions* in the color room that seeks to provide “an environment for presenting and using the color system” Fenton: col. 7, lines 26-27.

Since Fenton fails to teach or suggest enabling the simulation of a light source on a display device, Fenton’s disclosure of different types of light sources does not establish a proper basis for rejecting the limitations that were previously included in claim 27 but are now in claim 26 requiring that “the means for providing simulated light sources comprises a means for controlling a type of light source to be simulated on the display device.” The “incandescent fixtures”, “skylight”, and “full spectrum fluorescent lights” in Fenton are not *simulated* on a

display device. Instead, they are actual light sources fixed in their respective locations in a room, and their mere inclusion in a room under Fenton cannot properly be interpreted to teach or suggest Applicant's selective simulation of different types of light on a display device.

It is equally clear that Branham et al. does not disclose or suggest enabling the selective simulation of different types of light on a display device as amended claim 26 requires. The portion of Branham et al. cited by the Office merely discloses providing "direct and ambient virtual light sources". Branham et al.: col. 7, line 34. Nowhere does Branham et al. contemplate simulating different *types* of light sources on a display device.

It is thus clear that Fenton discloses only different types of *actual, fixed* light sources and does not disclose *simulating* light sources *on* a display device and that Branham et al. does not disclose or suggest simulating different *types* of light sources on a display device, particularly in the application contemplated by the Applicant. Consequently, amended claim 27 should not be considered to be rendered obvious by even the combined references of Fenton and Branham et al. Furthermore, claim 28, which has been amended to depend from claim 26, enjoys further patentability by specifying that the user can select from light sources including incandescent light, fluorescent light, full spectrum light, and natural sunlight.

The rejection of claim 29 based on the combined teachings of Fenton, Branham, and Roustaei is still more clearly misplaced. Contrary to the Office's assertion, Roustaei simply does not teach or render obvious enabling "a user to select a mixed light display situation." Instead, Roustaei in Paragraph 0248 merely discloses *adjusting to* variable lighting conditions, not the *simulation* of mixed light situations or as actual lighting conditions exist in situ as captured by specially calibrated and coordinated equipment designed to work together as claim 29 demands.

More particularly, Roustaei writes, “Color modification can also *adjust to* variable-lighting conditions” whereby it is clear that Roustaei merely *reacts* to lighting conditions and does not simulate the same. Roustaei merely attempts to show the viewer what he or she wants to see and does not even purport to attempt to reproduce reality with the exactness contemplated by the Applicant. Since Roustaei does not teach or suggest simulating mixed light situations, it cannot properly form the basis for a rejection of claim 29.

Furthermore, since Roustaei merely teaches reacting or adjusting to variable lighting conditions, it cannot fairly be said that Roustaei allows a user to adjust the “relative intensity of displayed lights sources” as is required by claim 30. Merely reacting to variable lighting conditions does not anticipate or render obvious simulating mixed light situations and, even more clearly, does not render obvious Applicant’s claimed ability to adjust the relative intensity or directional source of displayed light sources.

Amended claim 36 also adds patentable limitation in that it “enables a user to choose to simulate the display of light as emanating from a light fixture”, and claim 37 enjoys further patentability by enabling “a user to choose to display light as emanating from within a shielded structure. Since the lighting sources disclosed by Fenton are actual, fixed light sources and not simulated light sources on a display device as is effectively required by claims 36 and 37, Fenton cannot properly be held to anticipate or render obvious the limitations of claim 36 or claim 37.

Claim 40

The Applicant further submits that amended Claim 40, which requires the display of display images for progressively increased display times through multiple display rounds, is not

taught by even the combined prior art of Fenton, Saghir, and d'Entremont et al. The teachings of d'Entremont et al. are simply inapplicable to the limitations of claim 40. The referenced portion of d'Entremont et al. merely describes the determination of "the time during which the selected photosensitive material must be exposed to light emitting from [a] display means to record image information..." Col. 10, lines 12-16. Since it merely describes exposing photosensitive material to light *from* a display means, d'Entremont et al. has no bearing on Applicant's claimed display of images *on* a display screen for viewing by a user. Therefore, Applicant most respectfully submits that Claim 40 is patentable beyond the cited art.

New Dependent Claims 69-72

The Applicant has added new claims 69-73. Each dependent claim adds patentable limitation to its respective base claim. For example, claim 69, which depends from claim 15, specifies that the "user-selected parameter includes Feng Shui principles of article and material placement and orientation." This parameter was referenced in Applicant's original specification, such as at page 20, lines 5-7. No prior art reference contemplates providing the automatically coordinated suggestion of reference images according to the article and material placement and orientation principles of Feng Shui. Accordingly, claim 69 is patentable even beyond allowable base claim 15.

Likewise, new claim 70 specifies that the means for suggesting one or more reference images further comprises a means for suggesting building elements, decorative elements, and colors *dependent on designer input, design research, and historic information.*" (Emphasis supplied.) These further limitations find their bases on p. 23, lines 6-27 and p. 24, lines 1-3 of

Applicant's original disclosure. The Applicant respectfully submits that no cited reference teaches or renders obvious suggesting reference images based on these unique foundations such that claim 70 is also independently patentable.

Added claim 71 depends from independent claim 18 and requires that "the means for displaying displayed elements and objects in a unified scale further provides automatically accurate perspective depictions of displayed elements and objects in varied orientations and locations", which has its basis at p. 27, lines 20-22 of Applicant's original specification. This claimed ability to provide automatically accurate perspective depictions even when elements and objects are disposed in varied locations and orientations is not disclosed by any cited reference and represents a significant advance in achieving the realistic depiction and prediction of proposed modifications to procured input images.

Still further, added claim 72 further specifies that a user is permitted to input a scale of a procured input image, which finds its bases on p. 28, lines 7-8 of Applicant's specification. With this, a user can input an image and facilitate the system's depiction of the same in an automatically unified scale with other depicted images. This too does not appear to be taught or rendered obvious by the prior art.

New Independent Claim 73

Newly added independent claim 73 specifies a particularly preferred rendering, advising, and coordinating system according to the present invention and, as such, incorporates the limitations of a plurality of the independent claims discussed above. Each independent claim has been discussed at length, and further discussion of the inventiveness of the referenced limitations

need not be had. It need only be stated that it is Applicant's position that a system having each described limitation alone is novel and nonobvious as compared to the prior art. Therefore, the system specified in claim 73 enjoys the patentability not only of each limitation alone but also of the further patentability that should fairly be considered to derive from including the many inventive concepts in a single system. Even if one were to assume, *arguendo*, that one or more of the independent claims discussed above were not patentable, the conclusion is compelled that the system of claim 73 warrants patentability. The combination and modification of prior art references that would be required even to approximate Applicant's claimed invention cannot in fairness be considered obvious.

Conclusion

Because no cited reference identically discloses the claimed invention and because there is no suggestion in the art to modify or combine any of the prior art references to approximate the claimed invention, the Applicant most respectfully submits that the claims now presented are patentable over the cited art. With this in mind, the Office's reconsideration and allowance of the specification and remaining claims are respectfully requested.

The Applicant believes that all issues raised in the Detailed Action have been responded to fully. However, if, after consideration of the above amendments and comments, there remain any open issues in this application that possibly can be resolved by a telephone interview, then the Applicant's undersigned attorney most respectfully requests that he be called to discuss and attempt to resolve those issues.

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